IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 11TH DECEMBER 2007 / 20TH AGRAHAYANA 1929

Bail Appl..No. 7616 of 2007()

CRIME 275/07 OF PALODU POLICE STATION

PETITIONER/ ACCUSED:

SEENA.K.Y., REHMANIA, PALODU,
PACHA P.O., NEDUMANGADU.

BY ADV. SRI.M.BALAGOVINDAN

RESPONDENTS: STATE & COMPLAINANT:

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1. SUB INSPECTOR OF POLICE, PALODU
POLICE STATION.

2. STATE OF KERALA REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 11/12/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A. No. 7616 OF 2007 F

Dated this the 11th day of December, 2007

O R D E R

Application for anticipatory bail. The petitioner - a woman, faces allegations in a crime for offences punishable, inter alia, under Sections 489B and 489C IPC. The crux of the allegations against the petitioner is that she had remitted an amount of Rs.7,000/- to a Bank in her name and the currency notes presented by her to the Bank were all counterfeit currency notes. The detection was made on 4.8.07. The petitioner was called to the Bank. There is nothing to show that the petitioner had any contumacious knowledge that the notes handed over by her to the Bank were counterfeit currency notes. The investigation reveals that the petitioner had received the same from another person, who delivered it to her at the instructions of her husband, who is employed abroad.

2. Investigation is in progress. The petitioner apprehends imminent arrest.

3. The learned counsel for the petitioner submits that the petitioner is absolutely innocent. She had received the amounts honestly and bona fide from the person, who delivered it to her at the instructions of her husband. She is not in any way liable even if the currency notes so given to her, which she in turn handed over to the Bank, happened to be counterfeit currency notes. The petitioner, who is willing to abide by any conditions to be imposed by this Court, does not deserve to endure the trauma of arrest and incarceration, prays the learned counsel for the petitioner.

4. The learned Public Prosecutor does not oppose the said prayer. There is no tangible data now to assume that the petitioner was in contumacious culpable possession with the requisite knowledge that the currency notes were counterfeit notes. In any view of the matter, I am satisfied that the petitioner can be granted anticipatory bail subject to appropriate terms and conditions.

5. In the result, this petition is allowed. Following

directions are issued under Section 438 Cr.P.C in favour of the petitioner.

i) Petitioner shall surrender before the learned Magistrate having jurisdiction at 11 a.m on 18.12.2007. She shall be released on regular bail on condition that she executes a bond for Rs.50,000/-(Rupees fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

ii) The petitioner shall make herself available for interrogation before the investigating officer between 10 a.m and 12 p.m on 19.12.2007 and 21.12.2007 and thereafter on all Mondays and Fridays between 10 a.m and 12 noon for a period of one month and subsequently as and when directed by the investigating officer in writing to do so.

(iii) If the petitioner does not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioner and deal with her in accordance with

law, as if these directions were not issued at all.

(iv) If she were arrested prior to 18.12.2007, she shall be released from custody on her executing a bond for Rs.50,000/- (Rupees fifty thousand only) without any sureties, undertaking to appear before the learned Magistrate on 18.12.2007.

(R.BASANT, JUDGE)

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